



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

July 2, 2003

IN REPLY PLEASE

REFER TO FILE: **MP-5**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION OF SANITARY SEWER EASEMENT
NW/O POTRERO GRANDE DRIVE AND NE/O ARROYO DRIVE
SOUTH SAN GABRIEL
SUPERVISORIAL DISTRICT 1
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find this action categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Find that the public service easement for sanitary sewer purposes is no longer required for public use and that the easement may be vacated under the authority of Section 5400 of the California Health and Safety Code.
3. Find pursuant to Section 8333 (a) of the California Streets and Highways Code that the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
4. Find that the easement for sewer purposes to be vacated is no longer needed for present or prospective public use.
5. Adopt the enclosed Resolution of Summary Vacation to Vacate the Sanitary Sewer Easement northwest of Potrero Grande Drive and northeast of Arroyo Drive, described in Exhibit "A" and as shown by the map in Exhibit "B" of the Resolution.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Mr. George Ho, representing Potrero Partners, L.P., the fee title holder, requested adoption of the enclosed Resolution to remove from the record an unnecessary public service easement for sanitary sewer purposes within the property.

Proposed and dedicated to the County in 1961, the sewer easement was never utilized for sewer purposes. The plan to construct sewer facilities in the easement area was abandoned when fee title to all adjoining affected properties merged into a single ownership. The vacation of the sewer easement will not have a negative impact on any other properties in the area.

It is in the County's interest to vacate this easement since it no longer serves the purpose for which it was dedicated. With this action, your Board will vacate an easement the County and the public no longer need.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the sewer easement will result in added revenue through assessment and taxation, eliminates unnecessary maintenance cost, and removes possible County exposure to liability.

FISCAL IMPACT/FINANCING

Vacation of the easement will not have a negative fiscal impact on the County budget. A fee of \$2,000 was paid by the petitioner to finance the cost of the vacation.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 6,180 square feet and is shown on the map attached to the Resolution.

The County's interest was acquired as an easement for sanitary sewer purposes by dedication in Documents Nos. 3139 and 3140, recorded on June 8, 1961, in the Office of the Recorder of the County of Los Angeles.

The Honorable Board of Supervisors
July 2, 2003
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The California Health and Safety Code and the Public Streets, Highways, and Service Easement Vacation Law allow your Board to voluntarily relinquish the County interest, terminate public right, and dispose of excess County right of way. Your action will also result in the property being unencumbered of the public easement, thereby allowing the underlying fee owner to exercise reversionary rights over the area vacated.

ENVIRONMENTAL DOCUMENTATION

With respect to requirements of CEQA, this proposed vacation is categorically exempt as specified in Class 21(a) of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57, and Section 15321 of State CEQA Statutes and Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

CONCLUSION

This action is in the County's interest. Enclosed is a Resolution of Summary Vacation to vacate the sanitary sewer easement, approved as to form by County Counsel. Upon adoption of the Resolution, please return the executed original and a copy to Public Works for further processing. Public Works will record the Resolution and return the executed original Resolution to your Board when recorded. In the interim, please retain one executed copy for your files.

One approved copy of this letter is requested.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

CVC:adg:P5\SEWER EAST POTRERO BRD

Enc.

cc: Chief Administrative Office
County Counsel

RECORDING REQUESTED BY AND
MAIL TO:

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
P. O. Box 1460
Alhambra, CA 91802-1460

Attn: Mapping & Property Mgmt. Div.
R/W Engineering Section
(Chris Cristobal)

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

This Document recorded by County of Los Angeles
pursuant to Section 27383 of the Government Code

RESOLUTION OF SUMMARY VACATION TO VACATE SANITARY SEWER EASEMENT

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that it is hereby found and determined that the portion of real property dedicated to the County of Los Angeles as an easement for sanitary sewer purposes, legally described in Exhibit "A" and as shown by the map in Exhibit "B" attached hereto and incorporated herein by this reference, which right of way is located in the unincorporated County area, vicinity of South San Gabriel, in the County of Los Angeles, State of California, is no longer needed for present or prospective public use based upon the facts: that the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and there are no other public facilities located within the easement.

BE IT FURTHER RESOLVED that the public service easement for sanitary sewer purposes in, over, and across the right of way legally described in Exhibit "A" attached hereto is hereby vacated pursuant to Section 5400 of the Health and Safety Code of the State of California and Chapter 4, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8330.

AND BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the certified original Resolution in the Office of the Recorder of the County of Los Angeles, at which time the area vacated will no longer be a public service easement.

The foregoing Resolution was on the _____ day of _____, 20____, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By _____
Deputy

By _____
Deputy

CVC:adg
P5\SEWER EAST POTRERO BRD

SEWER EASEMENT
NW/O POTRERO GRANDE DRIVE
AMB 5277-014-045 TO 048
T.G. 636, E/4
I.M. 114-257 AND 129-257
S.D. 1
M0391102

EXHIBIT "A"

Legal Description for Proposed Sewer Easement Vacation

Those portions of Lot 68, Tract No. 701, as shown on map recorded in Book 16, pages 110 and 111, of Maps, in the Office of the Recorder of the County of Los Angeles, described in deeds to said county for sanitary sewer purposes, recorded as Instrument No. 3139, on June 8, 1961, in Book D1246, page 370, and as Instrument No. 3140, on June 8, 1961, in Book T1840, page 586, of Official Records, in the office of said recorder.

Description Approved

JAMES A. NOYES
Director of Public Works

By _____
Deputy

Containing: 6180± square feet

CVC:adg
P5\SEWER EAST POTRERO BRD

